

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Brice Yingling, et al.,

NO. C 09-01733 JW

Plaintiffs,

**ORDER REQUESTING REVISED FINAL
APPROVAL ORDER AND JUDGMENT**

v.

eBay, Inc.,

Defendant.

This matter is set for a Final Fairness Hearing on March 28, 2011. Upon review of the parties' submissions, the Court finds the Proposed Final Order and Judgment is insufficient. Specifically, the parties' designation of *cy pres* organizations set to receive the remaining balance of the Net Settlement Fund does not provide for Court approval of the nominated organizations prior to disbursement.

Accordingly, on or before **March 25, 2011**, the parties shall file a Revised Proposed Final Order and Judgment adjusting the language in paragraph 15 as follows:

Subject to Court approval, any balance remaining in the Net Settlement Fund at the end of the Distribution Plan (whether by reason of uncashed checks or otherwise) shall be disbursed pro rata to Stanford Law School, Southern Methodist Law School, the University of Texas Law School, the National Consumer Law Center, the United States Federal Trade Commission - Division of Marketing Practices, and Archive.org.

Dated: March 24, 2011


JAMES WARE
United States District Chief Judge

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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Dated: March 24, 2011

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy